

Notice of Allowability

Application No.

10/500,604

Examiner

Andrew B. Freistein

Applicant(s)

ISLER ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/17/2005.
2. ☒ The allowed claim(s) is/are 1-6, 10, 11, and 14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10/04/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Claims 1-19 are currently pending in the instant application.

Priority

This application is a 371 of PCT/CH02/00725, filed 12/27/2002.

Acknowledgement is made of Applicant's claim for foreign priority under 35 U.S.C. § 119(a)-(d), by Swiss patent application 2381/01 filed on 12/31/2001.

Information Disclosure Statement

Applicant's information disclosure statement (IDS), filed on October 4, 2004, has been considered. Please refer to Applicant's copies of the 1449 submitted herewith.

Restriction Requirement

Applicant's election without traverse of **Group VI, Claims 1-12 and 14 (in part)**, drawn to products of Formula (I), wherein R¹ is as defined in Claim 1, but does not include any heterocyclic rings; R² is a; X is NR³; R³ is as defined in Claim 1; and R⁴ is as defined in Claim 1 in the reply filed on August 17, 2005 is acknowledged.

A telephone interview with Attorney Jaime Larmon on September 7, 2005, resulted in the **cancellation of the withdrawn subject matter, Claims 7-9, 12-13, and 15-19** by examiner's amendment.

Applicant is reminded that upon the cancellation of the claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claims remaining in the application. Any amendment of inventorship must be

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accompanied by a request under 37 C.F.R. 1.48(b) and by the fee required under 37 C.F.R. 1.17(i).

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given during a telephone interview with Attorney Jaime Larmon on September 7, 2005.

This application has been amended as follows:

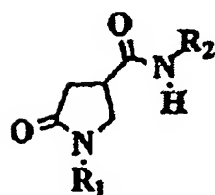
1. In Claim 10, page 4, line 3, delete,
" rac. N-(9-Ethyl-9H-carbazol-3-yl)-5-oxo-1-(2-pyridin-2-ylethyl)pyrrolidine-3-carboxamide; "
2. In Claim 10, page 5, line 2, delete,
" rac. N-(9-Ethyl-9H-carbazol-3-yl)-5-oxo-1-(2-thiophen-2-ylethyl)pyrrolidine-3-carboxamide; "
3. In Claim 10, page 5, line 4, delete,
"rac. N-(9-Ethyl-9H-carbazol-3-yl)-5-oxo-1-thiophen-2-ylmethylpyrrolidine-3-carboxamide; "
4. In Claim 10, page 5, line 5, delete,
" rac. N-(9-Ethyl-9H-carbazol-3-yl)-1-furan-2-ylmethyl-5-oxopyrrolidine-3-carboxamide; "
5. In Claim 11, page 7, lines 7-8, delete,
rac. N-(9-Ethyl-9H-carbazol-3-yl)-1-(2-morpholin-4-ylethyl)-5-oxopyrrolidine-3-
"carboxamide; "

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6. In Claim 14, page 8, line 1, after the words, "A pharmaceutical composition comprising" delete, "a galenic administration form which comprises".
7. Cancel claims 7, 8, 9, 12, 13, 15, 16, 17, 18, and 19.

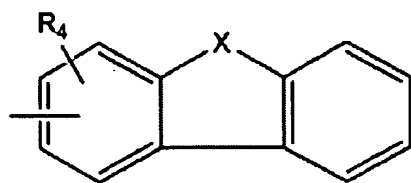
Reasons For Allowance

The present invention consists of compounds and compositions of Formula I,



, wherein R_1 is phenyl, benzyl, phenylethyl, α -hydroxyphenylethyl;

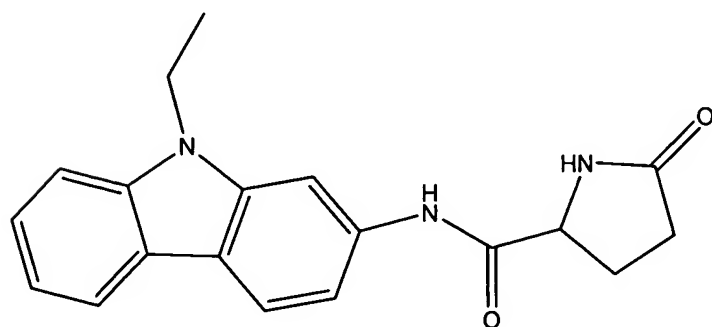
naphthyl, naphthylmethyl, or cycloalkyl; R_2 is a radical of the formula:



; X is NR_3 ; R^3 is hydrogen or alkyl; and R^4 is hydrogen

or alkoxy.

The closest prior art is Block, et al., WO 01/07409, disclosing the compound



The present invention differs from the closest prior art in that the present invention contains the variable R_1 bonded to the N atom on the oxopyrrolidine ring, which is phenyl, benzyl, phenylethyl, α -hydroxyphenylethyl; naphthyl, naphthylmethyl, or

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cycloalkyl. On the other hand, the prior art compound contains a Hydrogen atom bonded to the Nitrogen on the oxopyrrolidine ring.

Additionally, Applicant agreed to cancel all of the withdrawn subject matter, which included additional compounds, methods of preparing compounds, and methods of use of compounds.

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew B. Freistein whose telephone number is (571) 272-8515. The examiner can normally be reached Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Andrew B. Freistein
Patent Examiner, AU 1626

Joseph K. McKane
Supervisory Patent Examiner, AU 1626
Date: September 7, 2005



GOLAM M. M. SHAMEEM, PH.D
PRIMARY EXAMINER